

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the Matter of

Numbering Resource Optimization

CC Docket No. 99-200

RECEIVED

To: The Commission

JUL 14 2000

MOTION FOR EXTENSION OF TIME

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Association for Local Telecommunications Services ("ALTS"),¹ Competitive Telecommunications Association ("CompTel"),² and Personal Communications Industry Association ("PCIA")³ (collectively the "Joint Movants"), through the undersigned and pursuant to Section 1.46 of the Commission's rules,⁴ hereby request that the Federal Communications Commission ("FCC") extend the filing deadline for the Numbering Resource Utilization/Forecast Report, FCC Form 502, that the FCC adopted in the *Report and Order and Further Notice of Proposed Rulemaking* ("Report and Order") in the above-captioned proceeding.⁵ Specifically, the Joint Movants request that the FCC grant a 90 day extension so that carriers can work in good faith to file FCC Form 502 no later than November 1, 2000. Grant of this motion

¹ ALTS is the leading national industry association whose mission is to promote facilities-based local telecommunications competition. Created in 1987, ALTS has offices in Washington, D.C. and Irvine, California and now represents more than 200 companies that build, own, and operate competitive local networks.

² Founded in 1981, CompTel is the leading national association representing U.S. and international competitive communications firms and their suppliers, who offer a variety of local, long distance, international, Internet and wireless services.

³ PCIA is an international trade association established to represent the interests of the commercial and private mobile radio service communications industries and the fixed broadband wireless industry. PCIA's Federation of Councils includes: the Paging and Messaging Alliance, the PCS Alliance, the Site Owners and Managers Alliance, the Private Systems Users Alliance, the Mobile Wireless Communications Alliance, and the Wireless Broadband Alliance.

⁴ 47 C.F.R. §1.46.

⁵ *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 99-200, FCC 00-104 (rel. March 31, 2000).

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would serve the public interest because the requested extension would ultimately result in data being made available to NANPA, the FCC and the states in a usable form more quickly and accurately than if carriers are required to meet the current filing deadline.

The Joint Movants fully support the FCC's decision to adopt uniform national definitions for categories of numbering utilization and to implement mandatory reporting at the federal level. The successful creation and implementation of a system to collect, transmit, process and analyze numbering utilization data is a monumental but achievable task that requires the FCC, North American Numbering Plan Administrator ("NANPA") and the carriers to work together.

In order to accomplish this goal on an expedited basis, a number of crucial and interdependent steps must be taken in a timely manner. As an initial matter, it is important that the FCC provide additional guidance on the reporting requirements on an ongoing basis by holding workshops or publishing additional responses to questions that arise as NANPA and carriers continue the creation and implementation of systems to respond to the requirements of the *Report and Order*. This guidance is crucial to improve the accuracy of the reported data and assure that carriers are aggregating and reporting utilization data in the same manner. This will also speed the development and implementation of NANPA and carrier reporting systems, and reduce the costs and administrative burdens on carriers and NANPA alike that the reporting requirements impose.

The next step would be to implement a system that allows NANPA to receive, organize and analyze the data that carriers submit, as well as a standardized Electronic File Transfer ("EFT") format that carriers can use to submit that data electronically. Ideally, a standardized EFT format – which can be automatically streamed into switches, spreadsheets, and

other types of software – would be designed to collect the data mandated in the *Report and Order*. Then a system would be created to receive, organize and analyze data provided using the standardized EFT format, which could then be amended as necessary.⁶

The final step would be to communicate the format of this system, including the standardized EFT format, to carriers, who would then create their own internal automated system to stream data into the standardized EFT format and transmit that data to NANPA. The public interest is best served when these steps are taken in a timely manner well before the filing deadline, because only then can the reporting requirements efficiently and quickly produce useful and accurate data.

This first round of reporting is particularly important because it will form the foundation for subsequent reports and future numbering optimization measures. Incomplete or inaccurate information would undermine future optimization measures that will be adopted in this docket based on the utilization information that the reporting requirements produce and, if NANPA or the states rely on this unsound information to withhold codes unfairly, could lead to serious controversies that would undermine numbering administration in general. Moreover,

⁶ In the *Report and Order*, the FCC required all carriers filing data to file electronically, because NANPA indicated that the costs and administrative burdens of data collection will be minimized if the data are reported electronically. *Report and Order* at ¶53 (“[W]e believe that electronic filing is the most efficient and least costly method [of filing] available.”). Accordingly, the preferred method of reporting would be an electronic file transfer. The FCC directed the NANPA to develop and establish these data entry mechanisms within 45 days of the publication of the *Report and Order* in the Federal Register. The *Report and Order* was published in the Federal Register on June 16, 2000, and thus NANPA has until July 31, 2000 to develop these formats, which is one day before the current filing deadline for FCC Form 502. As the Commission recognized in the *Report and Order*, although electronic filing will greatly reduce the burdens on carriers, not all carriers will be able to file electronically initially. *Report and Order* at ¶52.

incomplete or inaccurate data might lead to wrong conclusions about exhaust, both of the NANP as a whole and particular rate centers.

The Joint Movants believe that, despite the best efforts of the FCC, NANPA and the filing carriers, a confluence of events has made it nearly impossible to achieve the ambitious goal of (a) providing additional guidance on the reporting requirements; (b) creating a system that allows NANPA to receive, organize and analyze the data that carriers submit; (c) publishing a standardized EFT format that carriers can use to submit that data electronically; and (d) creating an automated system that allows carriers to stream data into the standardized EFT format and transmit that data to NANPA before August 1, 2000. First, the new FCC Form 502 has taken longer to finalize and publish than originally expected.⁷ Consequently, the already brief time period that NANPA and the filing carriers have to create and implement the automated systems necessary to collect, process, transmit, and analyze data is significantly shorter than originally planned.

⁷ The *Report and Order* required NANPA to develop FCC Form 502 and submit it to the FCC within 15 days of the release of the *Report and Order* for review and submission to the Office of Management and Budget ("OMB"). FCC Form 502 was first made available to the public on an informal basis on June 14, 2000, and notice of approval was published in the Federal Register on June 16, 2000. The notice of approval did not include a copy of the form itself, or even a URL where the form could be viewed. OMB did not approve FCC Form 502 until late in the day on June 23, 2000, and notice of OMB approval was not published in the Federal Register until July 5, 2000. Unfortunately, the version of FCC Form 502 that received OMB approval and that was released to the public contained significant errors, which were corrected informally only on June 29, 2000 at 1:15 PM. The Joint Movants have since discovered significant additional errors in Forms U2, U3, and U4, none of which have been corrected.

Second, the standardized EFT format may not be available to carriers until after August 1, 2000.⁸ Consequently, each carrier must either manually prepare and file the report – whether on paper or in an electronic spreadsheet – or create and submit its own EFT file, which may or may not be consistent with the format that NANPA requires or that other carriers have developed.

Third, the system that will allow NANPA to organize and analyze the data will not be available until after the current filing deadline.⁹ Consequently, NANPA will not be able to receive data automatically, and must store the data that it receives until the system for organizing and analyzing the data has been completed. Once the system has been completed, NANPA will then have to load most, if not all, of the data manually.

Fourth, many carriers have not been able to complete the development and implementation of internal systems for automatically gathering, processing, and reporting the data requested in FCC Form 502 to NANPA. For example, without automated systems, some carriers must manually perform switch-by-switch data sweeps, querying each switch to gather information about 1000 blocks by rate center. Carriers that have more than one internal numbering management system must repeat these data sweeps for each separate system. Manually processing this data is costly, time consuming, and labor intensive. Some carriers may

⁸ At the June 20, 2000 meeting of the North American Numbering Council (“NANC”), NANPA committed to providing the format for the Electronic File Transfer within 30 days of the FCC publishing its Rule on the data format, which was published on July 5, 2000. *See* Letter dated June 21, 2000 from John R. Hoffman, NANC Chair, to Lawrence C. Strickling, Chief of the Common Carrier Bureau, FCC (“NANC Letter”). The NANC Letter urges the FCC to consider carefully the “potential negative impacts of this information on the timeliness and usefulness of the COCUS data.” *Id.*

⁹ NANPA stated at the June 20, 2000 NANC meeting that the system which would allow NANPA to organize and analyze the submitted data would not be available until some undesignated time after August 1, 2000. *See id.*

not be able to complete and file FCC Form 502 on August 1, 2000, while others may file incomplete or estimated data.

Fifth, there has not been sufficient time for further dialogue among the FCC, NANPA and the carriers about the reporting requirements. Numerous aspects of the *Report and Order* that directly impact how carriers must complete FCC Form 502 and how NANPA must review and analyze data submissions remain unclear or troublesome.¹⁰ For example, the treatment of intermediate numbers is not clear, and the problem is compounded when the recipient of intermediate numbers then provides these numbers to other carriers. Moreover, although carriers may be able to know if a number provided to another carrier is active, they typically cannot categorize numbers that have not been activated. Further, the treatment of Type I numbers is unclear.

Without additional guidance on the reporting requirements through workshops and subsequent publication of question and answer notices, it is highly likely that significant inaccuracies will be embedded in the data. Carriers will not be certain that they are completing

¹⁰ See, e.g., Letter dated June 13, 2000 from May Y. Chan, Director – Regulatory Matters, GTE Service Corporation, to Ms. Magalie R. Salas, Secretary, FCC (ex parte notice submitting list of requesting clarifications); Letter dated June 1, 2000 from Fred Goodwin, Executive Director, Federal Regulatory, SBC Telecommunications, Inc., to L. Charles Keller, Chief, CCB Network Services Division, FCC (ex parte notice requesting clarification of reserved number rules); and Letter dated May 23, 2000 from Megan L. Campbell, General Counsel, Alliance for Telecommunications Industry Solutions, to L. Charles Keller, Chief, CCB Network Services Division, FCC (submitting list of questions about the reporting requirements). The Joint Movants welcome the recent public notice that the Common Carrier Bureau released to clarify questions about the reporting requirements. See *Common Carrier Bureau Responses to Questions in the Numbering Resource Optimization Proceeding*, Public Notice, CC Docket No. 99-200, DA 00-1549 (rel. July 11, 2000), at 3-4. However, the August 1, 2000 deadline falls well before the FCC will have the opportunity to act – informally or formally – on petitions for clarification and reconsideration that will be filed to address many additional ambiguities. Even if the FCC were to issue another public notice to address additional questions about reporting data elements, it may be too late for many carriers to amend their internal procedures and reports.

FCC Form 502 accurately, and NANPA will not be certain that it is reviewing data correctly, or that the data it is reviewing is accurate. This could result in material errors that unfairly prejudice carriers because NANPA cannot assign additional numbering resources to a carrier whose FCC Form 502 appears to contain inconsistencies or anomalies until the appropriate state commission has resolved all questions regarding the apparent inconsistency or anomaly.¹¹ This could also lead to incorrect assumptions about exhaust of the NANP as a whole or of particular rate centers, which could have a materially detrimental effect on numbering administration at the state and federal level.

The Joint Movants respectfully submit that a modest 90 day extension of the reporting deadline would better serve the public interest in complete and accurate information regarding the demand for, and utilization of, numbering resources than would adherence to the existing August 1, 2000 deadline.¹² A brief extension of the reporting deadline would provide necessary additional time to allow (a) the FCC to provide additional guidance and clarification about the reporting requirements through workshops and subsequent publication of question and answer notices; (b) NANPA to complete development and implementation of a system for the electronic transmission, organization, recording and processing of number utilization data and

¹¹ If the carrier is unable to clarify the report within five days, which could prove difficult unless the FCC has already clarified the *Report and Order*, NANPA must report the carrier to the relevant state authority. The relevant state authority then must make a determination on the validity of the data and instruct the carrier on how any deficiencies should be remedied, which could also prove difficult unless the FCC has already clarified the *Report and Order*.

¹² See, e.g., *Federal State Joint Board on Universal Service*, Order, 13 FCC Rcd 20363 (1998) (extending a filing deadline based on finding that extension would significantly reduce the burden on respondents and help ensure that responses are accurate and complete); *Local Exchange Carriers' Rates, Terms, and Conditions for Expanded Interconnection Through Physical Collocation for Special Access and Switched Transport*, Order, 12 FCC Rcd 12042 (1997) (extending tariff revision filing deadline based on finding of good cause).

transmit a standardized EFT format to carriers well before the filing deadline; and (c) carriers to complete development and implementation of internal systems for automatically gathering, processing, and reporting the data requested in FCC Form 502 to NANPA.

An extension of the filing deadline would significantly reduce the costs and administrative burden that the reporting requirements impose on NANPA and the carriers, and help ensure that NANPA will be able to organize and analyze the data in a timely and useful manner. Indeed, an extension would ultimately result in the requested data being made available to NANPA, the FCC and the states in a usable form more quickly than if carriers are required to meet the current filing deadline, because NANPA and the carriers would be able to reduce the amount of manual data processing, which leads to errors and slows the processing time.¹³ An extension would also help ensure that responses are accurate and complete, which is particularly important since this first round of reports will provide the foundation for subsequent numbering optimization measures and the database on numbering utilization. Moreover, an extension of time would also alleviate potential concerns regarding the sufficiency of notice, and give the

¹³ If carriers are required to file FCC Form 502 before NANPA has developed a system to organize and analyze numbering utilization data, the data will simply remain unorganized and unanalyzed until NANPA has developed an appropriate system. Once a system is developed, most, if not all, of the data will then have to be manually input, which will place a significant administrative burden on NANPA, the costs of which will be passed on to carriers and ultimately to consumers.

FCC and NANPA an opportunity to ensure that there are no additional errors in the FCC Form 502.¹⁴

The requested extension would not prejudice any party, because it would speed the availability of data on numbering utilization in a usable format, increase the accuracy and completeness of that data, and reduce the costs and administrative burdens imposed upon NANPA and the carriers. Therefore, the Joint Movants respectfully submit that the public interest would be served by a 90 day extension of the filing deadline for FCC Form 502. During this extension, the FCC should adopt a moratorium on additional data requests, which could interfere with carrier efforts to develop and implement internal systems for automatically gathering, processing, and reporting the data requested in FCC Form 502 to NANPA.

¹⁴ As mentioned above, the version of FCC Form 502 that received OMB approval, notice of which was published in the Federal Register on June 16, 2000, contained significant errors or omissions. Specifically, Forms U-1 and U-2 were not consistent with the requirements of the *Report and Order* because they omitted a column for “rate center” information. The accompanying instructions for completing these forms were also incorrect. A “corrected” FCC Form 502 appeared on the NANPA website on June 29, 2000 at 1:15 p.m., which is less than 24 hours after the point at which carriers had to gather data for the August 1, 2000 report. The “corrected” version of the form has not received OMB approval, and neither notice of the error nor the “corrected” form has appeared in the Federal Register. Moreover, on July 12, 2000 the Joint Movants discovered that even the “corrected” version of the form contains significant errors in Forms U2, U3 and U4 that have yet to be corrected. Consequently, many carriers may be unaware that the version of the form that was published in the Federal Register is incorrect. Even some of the carriers that learned about some of the errors remain confused about the changes to the form and reporting requirements. Thus, NANPA may receive inconsistent or anomalous reports as a result of the last minute changes and inadequate notice of these errors.

CONCLUSION

For the foregoing reasons, the Joint Movants respectfully request that the FCC grant a 90 day extension so that carriers can work in good faith to file FCC Form 502 no later than November 1, 2000.

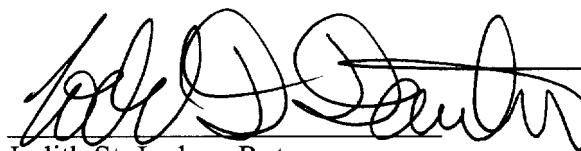
Respectfully submitted,

ASSOCIATION FOR LOCAL TELECOMMUNICATIONS SERVICES

COMPETITIVE TELECOMMUNICATIONS ASSOCIATION (COMPTEL)

PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

By:

A handwritten signature in black ink, appearing to read 'Todd D. Daubert', is written over a horizontal line.

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July 14, 2000

CERTIFICATE OF SERVICE

I, Tracey Sorenson, hereby certify that on this 14th day of July, 2000, I have caused a copy of the foregoing "Motion for Extension of Time of Association for the Local Telecommunications Services, Competitive Telecommunications Association, and Personal Communications Industry Association (collectively the "Joint Movants")," to be hand delivered to the following:

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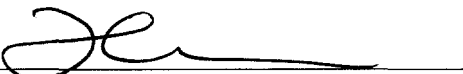
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